

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

Charles P. Jones, )  
Plaintiff, )  
                  )  
                  )  
                  )  
v.                )  
                  )  
                  )      Civil Action No. 06-129 KAJ  
Thomas Carroll, Alisha Profaci, )  
Peter Forbes, and Joe Pomella, )  
Defendants.        )

**STATE DEFENDANTS' CARROLL, PROFACI, FORBES and POMELLA  
RULE 26 INITIAL DISCLOSURES**

State Defendants Carroll, Profaci, Forbes and Pomella, (hereinafter "State Defendants") disclose the following information in compliance with Rule 26(a) (1) of the Federal Rules of Civil Procedure and the Scheduling Order in this matter. These disclosures are based on information reasonably available to State Defendants as of this date. Continuing investigation and discovery may alter these disclosures. State Defendants reserve the right to supplement the information disclosed below if additional information becomes available.

By making these disclosures, State Defendants do not represent that they are identifying every document, tangible thing, or witness possibly relevant to this claim. Nor do State Defendants waive their rights to object to the production of any document or tangible thing disclosed on the basis of any privilege, the work-product doctrine, relevancy, undue burden or any other valid objection. State Defendants' disclosures represent a good faith effort to identify information they reasonably believe is required by Rule 26(a) (1).

State Defendants' disclosures are made without waiver of: 1) the right to object on the grounds of competency, privilege, relevancy and materiality, hearsay or other proper ground, 2) the right to object to the use of any such information, for any purpose, in whole or in part, in any other action; and 3) the right to object on any and all proper grounds, at any time, to any other discovery request or proceeding involving or relating to the subject matter of these disclosures.

All of the disclosures set forth below are made subject to the above objections and qualifications.

**(A) Individuals likely to have discoverable information in support of Defendants' defenses.**

1. Wilfred Beckles, Department of Correction
2. Jaime Nieves, Jr. Department of Correction
3. Joseph S. Simon, Department of Correction
4. Timothy Timmons, Department of Correction
5. Kevin Hopkins, Sr., Department of Correction
6. Joseph Pomella, Department of Correction
7. Monica Watson, Department of Correction
8. Derrick Washington, Department of Correction
9. Alisa Profaci, Department of Correction
10. Peter Forbes, Department of Correction
11. Raina Scott, Department of Correction
12. Anibal Melendez, Inmate, Department of Correction
13. George Davis, Inmate, Department of Correction

14. Gloria Watson, Registered Nurse Correctional Medical Services
15. Kent County Paramedics
16. Charles P. Jones – Plaintiff

In addition, State Defendants reserve their rights, pursuant to Rule 26(e) to identify additional witnesses. State Defendants further reserve the right to identify and call any witnesses listed by the Plaintiff.

**(B) Documents that may be used to support State Defendants' defenses:**

1. Contents of Plaintiff's Institutional file, including but not limited to disciplinary, inmate grievance, classification, and institutional records related documentation contained therein.
2. Any medical examination reports and records applicable to the Plaintiff while incarcerated within the custody of the Department of Correction.

In addition, State Defendants reserve their rights, pursuant to Rule 26(e) to identify additional documents. State Defendants further reserve the right to identify and utilize any document listed by the Plaintiff.

**(C) Experts and their opinions: Damage Computation.**

State Defendants have not yet retained any experts, but reserve the right to do so, and will supplement this response as required by Rule 26(a).

**(D) Insurance Agreements in force:**

None. State Defendants further disclose that no such insurance exists.

**(E) Basis for any damages claimed:**

State Defendants have not filed a counter-claim for damages at this time. State Defendants reserve the right to file a counterclaim against the Plaintiff as may be

permitted by the Federal Rules of Civil Procedure.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Ophelia M. Waters

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Counsel for State Defendants

Dated: August 25, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that on August 25, 2006, I have mailed by United States Postal Service, the *State Defendants Rule 26(a) (1) Initial Disclosures* to the following: Charles P. Jones, Delaware Correctional Center, 1181 Paddock Road, Smyrna, Delaware, 19977.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Ophelia M. Waters

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